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Total Number of Pages in This Submission

| | |
|------------------------|------------------------|
| Application Number | 10/758,233-Conf. #5334 |
| Filing Date | January 13, 2004 |
| First Named Inventor | Poul E. Bertelsen |
| Art Unit | 1609 |
| Examiner Name | A. Sasan |
| Attorney Docket Number | 55682CON(71432) |

ENCLOSURES (Check all that apply)

| | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
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| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-----------------------------------|----------|--------|
| Firm Name | EDWARDS ANGELL PALMER & DODGE LLP | | |
| Signature | | | |
| Printed name | Christine C. O'Day | | |
| Date | March 12, 2007 | Reg. No. | 38,256 |



Docket No.: 55682CON(71432)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Poul E. Bertelsen et al.

Application No.: 10/758,233

Confirmation No.: 5334

Filed: January 13, 2004

Art Unit: 1609

For: QUICK RELEASE PHARMACEUTICAL
COMPOSITIONS OF DRUG SUBSTANCES

Examiner: A. Sasan

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed February 13, 2007, Applicant hereby provisionally elects the subject matter of Group I, directed to claims 67-96, for continued examination.

With respect to the required election of species, Applicant elects an embodiment comprising Hydroxypropylcellulose (HPC) as the filler, NaHCO₃ as the alkaline substance, and the preferred active substances being a combination of lornoxicam and triptan.

Additionally, however, Applicant respectfully requests reconsideration of the restriction requirement for the following reasons. The present application is a continuation of USSN 09/786,864 (now issued as US 6,713,089) which was the US national phase application of International Patent Application PCT/DK99/00480. As such, the PCT rules concerning unity should be applied, see e.g. PCT Applicant's Guide, Vol. 1/A, 130 (i) and 131. In doing so, it is believed that the restriction would not

be applicable. Applicant also notes that a comparable restriction requirement was not imposed in the prior U.S. application.

Moreover, it is respectfully submitted that search and examination of the three (3) Groups set forth in the Restriction Requirement could be conducted without undue burden on the Office.

Alternately, in the event the Restriction Requirement is maintained, Applicant further respectfully requests that the Examiner consider rejoinder of one or both of the remaining Groups following the search.

The afore-mentioned election is being made solely to comply with, and be fully responsive to, the Restriction Requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved.

Early and favorable examination of the application are requested.

Dated: March 12, 2007

Respectfully submitted,

By Christine C. O'Day

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Registration No.: 38,256

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Application No. (if known): 10/758,233

Attorney Docket No.: 55682CON(71432)

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Transmittal (1 page)
Response to Restriction Requirement (2 pages)